



MEMO ENDORSE

JUN - 4 2008

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

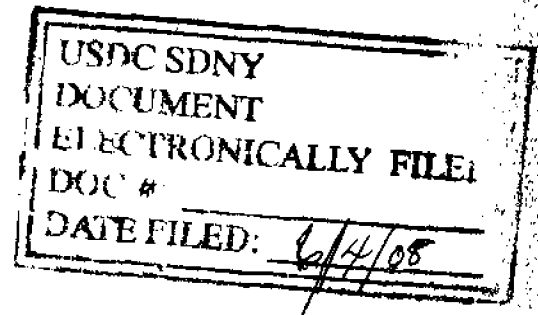
ANDREW M. CUOMO
Attorney General

DIVISION OF STATE COUNSEL
Litigation Bureau

June 4, 2008

VIA FAX (212) 805-6181 & U.S. Mail

Honorable Douglas F. Eaton
United States Magistrate Judge
Southern District of New York
500 Pearl St., Room 1360
New York, NY 10007



Re: Rosales v. Fischer, et al.
07-CV-10554 (LAP) (DFE)

Dear Judge Eaton:

Our office represents the defendants whose deadline to respond to the above-referenced complaint is today, June 4, 2008. This letter is written respectfully on behalf of the defendants to request a two-day, and final, extension from June 4 until June 6, 2008, to submit a motion to dismiss plaintiff's Section 1983 complaint. Though this is my first request for an extension, by Order dated March 18, 2008, the Court granted plaintiff an extension of time to serve any remaining unserved defendants, and sua sponte extended defendants' deadline to answer until May 6, 2008. Two previous extensions were requested by my colleague, Donald Nowve, Esq., which were granted by the Court, with Your Honor noting that, on April 30, 2008, the most recent extension from May 6 to June 4, 2008, would be the final extension.

Substantial progress has been made towards completing our motion, including ascertaining whether all the defendants had been served, obtaining exhibits, and reviewing all the records. I am requesting this brief extension because I was recently reassigned this case, additional time is needed by my supervisor to permit a thorough review of the papers, and because I am awaiting a signed declaration from Karen Bellamy, to accompany the exhibits.

Accordingly, the defendants respectfully request a two-day extension to respond to the complaint until June 6, 2008. I have not contacted the plaintiff concerning this request as he is proceeding *pro se* and is incarcerated.

6/4/08 - I grant this request.

Douglas F. Eaton

MEMO ENDORSED

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<http://www.oag.state.ny.us>

USDC SDNY
DATE SCANNED 6/4/08

Hon. Douglas F. Eaton
United States Magistrate Judge

June 4, 2008

Respectfully submitted,



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